

Application No. 10/804,328

18

Docket No.: 81032(70904)

**REMARKS**

Claims 1-5, 7, 8, 10-16, 18, 19, 21, 22, 24, 25, 29, 30 and 33-52 were pending in the application. Claims 34, 35, 36, 40, 41, 42, and 51 have been amended and new claims 53 and 54 have been added. Claims 30, 43, 44, 45, 46, 47 and 48 have been cancelled. No new matter has been added.

***Allowable Subject Matter***

Applicants thank the Examiner for the indication that claim 37 is allowable.

***Rejection of Claims 51 and 52 Under 102(b)***

The Examiner has rejected claims 51 and 52 under 35 USC 102(b) as being anticipated by Nakamura. Specifically, the Examiner indicates that "claims 51 and 52 to recite the newly added heat insulating layer."

Applicants have amended claim 51, from which claim 52 depends, to include a heat insulating layer. Accordingly, Applicants respectfully request reconsideration and withdrawal of the foregoing rejection.

***Rejection of Claims Under 35 USC 103(a)***

The Examiner has rejected claims 1-5, 7, 8, 10-16, 18, 19, 21, 22, 24, 25, 29, 30 and 33-52 under 35 USC 103(a) as being unpatentable over Nakamura in view of Ariyoshi et al. and has rejected claims 1-5, 10-16, 18, 19, 21, 22, 24, 25, 29, 30, 33-36, and 38-49 over Cheong in view of Ariyoshi et al. Applicants respectfully disagree.

For the sake of brevity, Applicants will address the rejections under 103(a) together.

The Examiner relies on Nakamura and Cheong in combination with Ariyoshi et al. to support the obviousness rejection of the above-identified claims. However, Ariyoshi et al. is mischaracterized in the rejections of record.

The "heat insulating layer" of the present invention serves to facilitate a rise in temperature of the temperature responsive layer.

In contrast, the "substrate protecting layer" of Ariyoshi serves to prevent the substrate from being deformed by heat generated in the super-resolution layer. In other words, the "sybstrate protecting layer" of Ariyoshi functions to inhibit a rise in temperature of the super-

BOS2 725834.1

Application No. 10/804,328

19

Docket No.: 61032(70904)

resolution layer. Therefore the "heat insulating layer" of the present invention and the "substrate protecting layer" of Ariyoshi perform completely different functions.

Additionally, the mask layer of Nakamura functions in a photon mode. As such, the mask layer is not heated by the recording layer.

Also, the composite material disclosed by Cheong, e.g., the ZnO, that is dispersed in glass or resin is not heated by a phase change material such as Ge-Sb-Te as in the instant invention.

Moreover, none of the cited references disclose or suggest the feature of the present invention that "a super-resolution effect is obtained by heating the temperature responsive layer, which functions in accordance with temperature, by the light absorption layer and making the heating more efficient by the least insulating layer."

As described above, the heat insulating layer of the present invention which enables an efficient rise in temperature of the temperature responsive layer is completely different from the substrate protecting layer. Furthermore, unlike the present invention, none of the cited references disclose using the heat insulating layer to efficiently heat the temperature responsive layer by the light absorption layer. Therefore, such a super-resolution effect as in the presented invention is not achieved by any combination of the cited references.

Accordingly, the combination of references set forth by the Examiner would not lead one of skill in the art to the claimed invention. Therefore, based on all the above, Applicants respectfully request reconsideration of the foregoing rejections.

BOS2 725834.1

Application No. 10/804,328

20

Docket No.: 61032(70904)

**CONCLUSION**

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Dated: March 13, 2009

Respectfully submitted,

By 

Jonathan M. Sparks, Ph.D.

Registration No.: 53,624

EDWARDS ANGELL PALMER & DODGE  
LLP

P.O. Box 55874

Boston, Massachusetts 02205

(617) 439-4444

Attorneys/Agents For Applicant

BOS2 725834.1